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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,401

09/16/2003

Akimasa Niwa

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9678

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EXAMINER

MARIAM, DANIEL G

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,401

Applicant(s)

NIWA, AKIMASA

Examiner

DANIEL G. MARIAM

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-17 and 19-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,9-17,19,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 24-59 is/are rejected.
- 7) ☒ Claim(s) 8,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/13/07, 3/1/07 & 4/19/07.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 9/13/07.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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Response to Amendment

1. In response to the Office Action mailed on January 31, 2007, the applicant has submitted an amendment filed on June 26, 2007 amending claims 1, 3-6, 9-10, 12-17, 19-22; canceling claims 2, 7, and 18; adding new claims 22-59; and arguing to reverse the rejection of claims 1, 3-6, 8-17 and 19-21.

Telephone Interview

2. The Examiner has contacted applicant's attorney, namely (Kerry Culpepper) on September 13, 2007 via telephone to resolve issues concerning independent claims 24 and 40, in the interest of expediting the prosecution of the current application. The Examiner and applicant's attorney discussed a potential 35 U.S.C. 112, second paragraph rejection, regarding the above-identified independent claims. The Examiner has suggested to amend these claims by incorporating the limitation "setting a watching region in the predetermined region of the real space, the watching region defining a high probability of existence of said candidate moving body" into claims 24 and 40. However, the applicant was unable to locate the applicant/inventor in time, and thus no agreement was reached due to pending authorization, and as a result the action is made final.

Claim Objections

3. Claim 8 is objected to because of the following informalities: the claim identifier of claim 8 is being indicated as "cancelled" and should be replaced with "currently amended".

Appropriate correction is required.

Since claims 20 and 21 directly or indirectly depend on claim 8, they are also objected to for the same reason set forth above for claim 8.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 24 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of claims 24 and 40 recite the limitation “. . . determining a moving body in a watching region. . .”, and it is unclear how one detects the movement as the moving body moves from an allowable area to unallowable area, without first defining or setting the watching region or does this mean the system is trained to automatically know what the watching region is. Please clarify.

6. Since claims 25-39 and 41-59 directly or indirectly depend on claims 24 and 40 respectively, they are also rejected under 35 U.S.C. 112, second paragraph for the same reason set forth above for claims 24 and 40.

7. Claim 24 recites the limitation recites the limitation "said watching region" in line 12. A similar limitation also occurs in claim 40, the prior claim language in both claims does not define a watching region. There is insufficient antecedent basis for this limitation in the claims.

Allowable Subject Matter

8. Claim 1, 3-6, 9-17, 19, 22, and 23 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record teach or fairly suggest setting means for setting a watching region in said predetermined region of said real space, the watching region defining a high probability of existence of said candidate moving first determining means for determining whether or not said candidate moving

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body is a moving body which moves in said watching region by using information about said figure indicating said candidate moving body extracted from said plurality of static images by said extracting means; classifying means for classifying said watching region of two or more of the images into either an allowable area or an unallowable area based on an extracted result of the extracting means, said allowable area allowing said moving body to exist therein and said unallowable area prohibiting said moving body from existing therein. It is for these reasons and in combination with all of the other elements of the claims that claims 1, 3-6, 9-17, 19, 22, and 23 are allowable over the prior art of record.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
Art Unit 2624

September 14, 2007